



# Appeal Decision

Site visit made on 23 August 2010

**by Martin Brookes BA MSc MRTPI**

**an Inspector appointed by the Secretary of State  
for Communities and Local Government**

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**Decision date:  
31 August 2010**

## **Appeal Ref: APP/X5210/A/10/2122997**

### **73 Parkway, London NW1 7PP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr C Christo against the decision of the Council of the London Borough of Camden.
- The application Ref 2009/5061/P, dated 20 October 2009, was refused by notice dated 23 December 2009.
- The development proposed is the change of use of the ground floor from A1 to A2 use.

### **Decision**

1. I dismiss the appeal.

### **Clarification**

2. The proposed development includes the installation of a new shop front.

### **Main issue**

3. The main issue is the effect on the character, function, vitality and viability of the Camden Town Centre.

### **Reasons**

4. Saved Policy R7A of the London Borough of Camden Replacement Unitary Development Plan 2006 (UDP) states that at ground floor level in Town Centres the Council will resist the net loss of shopping floorspace and will only grant planning permission for development that it considers will not cause harm to the character, function, vitality and viability of the centre. The Council will seek to retain strong elements of convenience and comparison shopping in these centres and will resist the loss of shops where long runs of other uses in ground floor frontages would be created or where the number of units in non-A1 use would cause harm to the character and viability of the centre (paragraph 6.44).
5. The operation of UDP Policy R7A is the subject of guidance contained in the Camden Planning Guidance 2006, which has been adopted as a Supplementary Planning Document (SPD). I consider the SPD to be applicable to this case because separate area-based guidance for Camden Town has only been prepared for food, drink and entertainment uses. I do, however, note that this guidance does not classify Parkway as a main shopping frontage. The SPD states (paragraph 46.8) that the Council will generally resist proposals that would result in less than 50% of frontages being in retail use.

6. The appeal property is a small, vacant retail unit located close to the edge of the town centre. It lies within a section of Parkway, between its junctions with Delancey Street and Albert Street, where retail units comprise less than 50% of the units and of the street frontage. This is also the case on the other side of this section of Parkway. The appellant's submission is therefore that the area is a 'lost cause' in terms of retail use and that the SPD guidance is not applicable where the proposal would not result in less than 50% of retail uses because that situation already exists. However, I consider this not to be a reasonable interpretation of the SPD when read in the context of the underlying UDP policy and supporting text as summarised above. It cannot be construed as meaning that the loss of retail units will only be resisted where 50% or more of units are currently in retail use, but rather indicates the maximum acceptable proportion of non-retail uses.
7. It is clear that the role of this area for A1 uses is currently limited and somewhat fragile, but a number of convenience and comparison goods outlets remain and they contribute to the mixed use character and the vitality of the area. Those retail outlets also contribute, or where vacant have the potential to contribute, to the retail function of Camden town centre as a whole. The loss of a retail unit and retail floorspace at the appeal property would undermine that character, vitality and function.
8. An A2 use at the appeal premises would result in a long run of five non-retail uses from 63 to 75 Parkway, with a very small retail unit at 79A beyond a gap in the street frontage (comprising an access to 77 and 79 Parkway to the rear) with a further non-retail use beyond at 81 Parkway. By separating the remaining retail units at the Delancey Street end of Parkway from the town centre by a greater length of non-retail uses, the proposal could reduce footfall along the road, thereby undermining the vitality of the area and the viability and continued retail uses of those premises.
9. The property, while it has remained vacant, has made no contribution to the character, function, viability and vitality of the Camden Town Centre and I am aware that it has been vacant for some time. I also note the unsuccessful attempts to market the property. However, I consider that, at least in part, this reflects current economic circumstances. This appears to be borne out by the appellant's evidence of difficulty in securing retail use of prime sites in Camden High Street. I also noted at my site inspection that there are a number of other vacant premises nearby, not all of which were last used for A1 purposes.
10. I am not therefore convinced that a retail use could not be secured in the future if the property is kept available for that purpose. Consequently I consider that these short term difficulties do not justify the long term consequences of a departure from Policy R7A of the UDP and from guidance in the SPD.
11. Furthermore, in the absence of any clear differences between the appeal premises and other vacant retail units nearby, allowing the appeal would establish a precedent for allowing the loss of other retail units. This would fundamentally undermine the retail function of this part of the town centre and I do not consider that this has been justified.

12. My conclusion on the main issue is that the proposal would have a harmful effect on the character, function, vitality and viability of the Camden Town Centre and would conflict with UDP Policy R7A and guidance in the SPD. This harm would not be outweighed by the short term benefit of securing a use of the vacant premises.
13. As required by statute, I have considered whether the proposal would preserve or enhance the character or appearance of the Camden Town Conservation Area. The change of use would not have any material effect and I share the Council's view that the proposed shop front works represent minor and sympathetic alterations to the property. The character and appearance of the Conservation Area would be preserved and in this respect the development is acceptable. However, this does not affect my conclusion on the main issue.

### **Conclusion**

14. For the reasons set out above and having regard to all other matters raised I dismiss the appeal.

*M P Brookes*

INSPECTOR